## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMERICAN STEAMSHIP COMPANY; LIBERTY STEAMSHIP COMPANY

and

Case 03-CA-107658

## **UNITED STEELWORKERS LOCAL 5000**

## ORDER<sup>1</sup>

The Employer's petitions to revoke, in part, subpoena ad testificandum A-972414 and subpoena duces tecum B-707981 are denied.<sup>2</sup> The subpoenas seek information relevant to the matter under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoenas.<sup>3</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir.

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<sup>&</sup>lt;sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>&</sup>lt;sup>2</sup> We grant the Employer's motion for leave to file a reply brief while noting that it has been the Board's practice to follow *D.L. Baker Inc.*, 330 NLRB 521, 521 fn. 4 (2000), with regard to petitions to revoke investigative subpoenas and to allow the moving party to file a reply brief without first moving for special leave of the Board "just as a party filing exceptions under Section 102.46 is permitted to file such a brief."

<sup>&</sup>lt;sup>3</sup> To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, and in which cases it has provided them, and provides all of the information that was subpoenaed.

1996).<sup>4</sup>

Dated, Washington, D.C., January 9, 2014.

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

<sup>4</sup> In considering the petition to revoke, we have evaluated subpoena B-707981 as clarified by the Region in its opposition brief, in which the Region indicated that, where the subpoena seeks information about temporary employees and the regular employees for whom they are filling in, it considers employees who have been hired as permanent replacements to fall within the category of regular, rather than temporary, employees.